

1 Marc S. Stern
2 1825 NW 65th Street
3 Seattle, WA 98117
(206) 448-7996
3 marc@hutzbah.com

Honorable Ricardo S. Martinez

6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON AT SEATTLE

8 DZ BANK AG DEUTSCHE ZENTRAL-
9 GENOSSENSCHAFTSBANK,
10 FRANKFURT AM MAIN, NEW YORK
10 BRANCH,

11 Plaintiff,

12 v.

13 THE MEYER IRREVOCABLE TRUST,
14 INSURANCE CHOICES 4 U, INC., and
15 INSURANCE CHOICES FOR YOU,
15 INC.,

16 Defendants.

17 No. 2:14-cv-01133-RSM

18 DECLARATION OF MARC S. STERN
19 IN SUPPORT OF DEFENDANTS'
20 MOTION FOR SUMMARY JUDGMENT
20 OF DISMISSAL

21 Marc S. Stern declares under penalty of perjury that the following is true and correct to
22 the best of my knowledge and belief.

23 1. I am the attorney for the Defendants above-named and have actual knowledge of
24 the matters hereinafter set forth.

25 2. Attached hereto as **Exhibit 1** is a copy of my letter dated January 14, 2015 to
26 Plaintiff's counsel enclosing my trust account check in the amount of \$123,290. The letter
27 explains how the amount was calculated.

28 3. Attached hereto as **Exhibit 2** is a redacted copy of the check showing that it has
29 cleared my trust account.

4. Attached hereto as **Exhibit 3** is a copy of the satisfaction of the judgment.

DECLARATION OF MARC S. STERN IN
SUPPORT OF DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT OF DISMISSAL - 1
SI dec - marc.wpd

MARC S. STERN
ATTORNEY AT LAW
1825 NW 65th STREET
SEATTLE, WA 98117
(206)448-7996

5. Plaintiff's Complaint, as filed, seeks damages and judgment in the amount of \$123,200. Said amount, plus interest at the rate of 34¢ per day, was tendered to Plaintiff on January 14, 2015, the date of my letter, *see* Exhibit 1.

Executed under penalty of perjury at Seattle, Washington on March 4, 2015.

s/ Marc S. Stern
Marc S. Stern

CERTIFICATE OF SERVICE

The undersigned states that on March 4, 2015, the document to which this certificate is attached was electronically filed with the above-entitled Court using the CM/ECF system and all parties were notified via ECF notification.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this March 4, 2015.

/s/ Tanya Bainter
Tanya Bainter

DECLARATION OF MARC S. STERN IN
SUPPORT OF DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT OF DISMISSAL - 2
SJ dec - marc.wpd

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MARC S. STERN
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1825 NW 65TH STREET
SEATTLE, WA 98117
(206)448-7996

EXHIBIT 1

MARC S. STERN

Attorney at Law
1825 NW Sixty Fifth Street
Seattle, Washington 98117

(206) 448-7996
E-Mail: marc@hutzbah.com

Fax: (206) 297-8778

January 14, 2015

Michael W. Johns
Roberts Johns Hemphill
7525 Pioneer Way, Suite 202
Gig Harbor, WA 98335

Re: DZ Bank v. Louis Meyer and Lynn Meyer
Adversary No. 13-01036-KAO

Dear Mr. Johns:

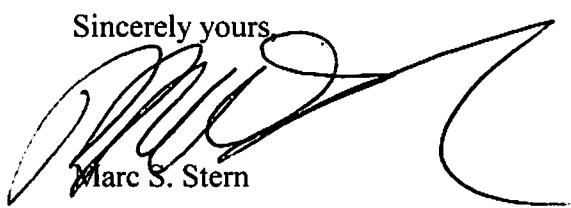
Enclosed please find my trust account check in the sum of \$123,290. This represents the judgment of \$123,200 with interest almost through the end of the month. Interest accrues at the rate of 34¢ per day, and the entire judgment with interest through today is \$123,284.38.

This was calculated using <http://www.postjudgmentinterest.com> and a print out of the page is attached. Using the old fashioned way, the federal judgment interest rate on the date of the judgment was .10%. A copy of a printout from one court's website (<http://www.ustd.uscourts.gov/documents/int2014.html>) is attached showing the number. The judgment amount of \$123,200 times .10% divided by 365 produces a per diem of 34¢. This times the 250 days since entry of the judgment produces the same result.

Please send me a Satisfaction of Judgment and advise which courts the judgment may have been transcribed or filed. Also, please dismiss the other lawsuits filed by your client to collect this amount.

Thank you for your prompt attention to this matter.

Sincerely yours,



Marc S. Stern

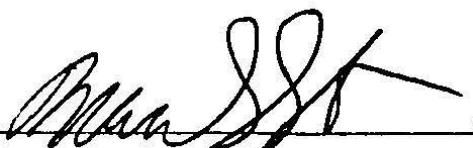
MSS:tb

Enclosures:

Trust account check in the sum of \$123,290
Interest Rate Sheet from Court
Interest Rate calculation

cc: Louis and Lynn Meyer

EXHIBIT 2

MARC S. STERN ATTORNEY AT LAW IOLTA ACCOUNT 1825 NW 65th Street Seattle, WA 98117 206-448-7996		<i>M</i> 28-717473251 No. 011177 Date <u>1-14-15</u>
Pay to the <u>Robert Johns Hemphill Trust Account</u> <u>\$123,290⁰⁰</u> Order of <u>One Hundred Twenty-three Thousand Two Hundred Ninety</u> <u>Dollars</u> <small>Security details on back.</small>		
Sterling Savings Bank 1191 2nd Ave., Suite 1900 Seattle, WA 98101 <i>Judgment in For D2-Bank v. Meyer</i>		 58320 11177
13251717401		

 FEDERAL RESERVE BANK REGULATIONS CC Security features on this document include a Micro-Print Security Line and Security Screen. Absence of these features may indicate alteration. © PsdStock design is a certification mark of Financial Software Association	ENDORSE HERE: PAY TO THE ORDER OF 7981 COLUMBIA BANK FOR DEPOSIT ONLY ROBERTS JOHNS & HEMPHILL PLLC IOLTA TRUST DO NOT SIGN / WRITE / STAMP BELOW THIS LINE FOR FINANCIAL INSTITUTION USE ONLY >125108272< Columbia Bk #1008 2015-02-10 0008598788 8888598788
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EXHIBIT 3

The Honorable Karen A. Overstreet Chapter 7

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

IN RE:

Case No. 12-17379

LOUIS PHILLIPUS MEYER and LYNN
MEYER.

Chapter 7

Debtors.

DZ BANK AG DEUTSCHE ZENTRAL-
GENOSSENSCHAFTSBANK,
FRANKFURT AM MAIN, NEW YORK
BRANCH.

Adversary No. 13-01036-KAO

SATISFACTION OF JUDGMENT

Plaintiff,

v.

LOUIS PHILLIPUS MEYER and LYNN
MEYER.

Defendants.

JUDGMENT SUMMARY

Judgment Creditor: DZ BANK AG DEUTSCHE ZENTRAL-GENOSSENSCHAFTSBANK, FRANKFURT AM MAIN, NEW YORK BRANCH

SATISFACTION OF JUDGMENT -- 1

ROBERTS JOHNS & HEMPHILL, PLLC
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GIG HARBOR, WASHINGTON 98335
TELEPHONE (253) 858-8606
FAX (253) 858-8646

1
2 Attorneys for Judgment
3

4 Creditor: Alex Darcy and Michael Debre,
5 Askounis & Darcy, PC
6 444 N. Michigan Ave.
7 Suite 3270
8 Chicago, IL 60611

9
10 Michael W. Johns
11 Roberts Johns & Hemphill PLLC
12 7525 Pioneer Way Suite 202
13 Gig Harbor, Washington 98335

14 Judgment Entry Date: May 9, 2014

15 Judgment Debtors: LOUIS PHILLIPUS MEYER and LYNN MEYER

16
17 I, MICHAEL W. JOHNS of ROBERTS JOHNS & HEMPHILL, PLLC,
18 attorneys for the Plaintiff W DZ BANK AG DEUTSCHE ZENTRAL-
19 GENOSSENSCHAFTSBANK, FRANKFURT AM MAIN, NEW YORK BRANCH,
20 acknowledge payment in the amount of \$123,290.00 by the judgment debtors
21 LOUIS PHILLIPUS MEYER and LYNN MEYER, made in satisfaction of the
22 judgment entered by the Honorable Karen A. Overstreet on or about May 9,
23 2014, under Adversary No. 13-01036-KAO. **As Plaintiff has appealed the**
24 **judgment on the grounds that the damages awarded are inadequate,**
25 **Plaintiff's acceptance of payment of the amount of the unsatisfactory**
26 **judgment does not amount to an accord and satisfaction of the entire**
27 **claim.**

28 SATISFACTION OF JUDGMENT -- 2

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3
4 DATED this 20 day of February, 2015.

5 ROBERTS JOHNS & HEMPHILL, PLLC

6 By:

7 Michael W. Johns, WSBA No. 22054
8 Attorneys for Plaintiff

9
10 SIGNED AND SWORN to before me this 20th day of February, 2015.



11
12 Kristine R. Pyle
13 NOTARY PUBLIC in and for the
14 State of Washington, residing at
15 Yelm, WA
16 My Commission Expires: 9-4-17

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18
19
20
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22
23
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25
26 SATISFACTION OF JUDGMENT -- 3

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